

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED INTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)  
Y03S016PCT-US

First named inventor: Tsuyoshi Harada

Application No.: 10/506,762

Art Unit: 2628

Filed: March 11, 2005

Examiner: Yang, Andrew Gus

Title: System for Approximating and Displaying Three Dimensional CAD data, and Method Thereof

Attention: Office of Petitions  
**Mail Stop Petition**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions  
Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

- ☐ Small entity-fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.
- ☒ Other than small entity - fee \$ 1,500 (37 CFR 1.17(m))

**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in the form of \_\_\_\_\_ (identify type of reply):

- ☐ has been filed previously on \_\_\_\_\_ 06/21/2007 CCHAU1 00000046 10506762
- ☐ is enclosed herewith.

01 FC:1453

1500.00 00

B. The issue fee and publication fee (if applicable) of \$ 1,400.

- ☒ has been paid previously on 7/9/09 publication fee of \$300.
- ☒ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

## 3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Konomi Takeshita  
Signature

8/13/07  
Date

Konomi Takeshita  
Typed or printed name

38,333  
Registration Number, if applicable

Eight Penn Center, Suite 1901  
Address

215-751-0192  
Telephone Number

1628 John F. Kennedy Blvd. Philadelphia, PA 19102  
Address

Enclosures: ☒ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unintentional delay

☒ Other: Cover Letter, Return Postcard

**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

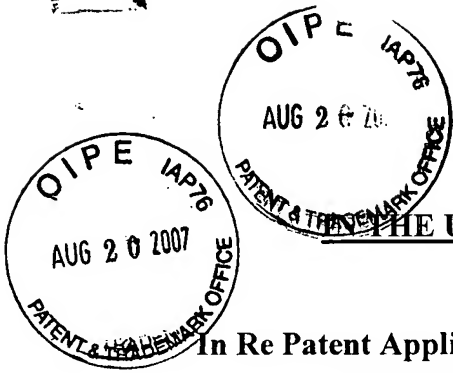
☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

August 14, 2007  
Date

Miki Yamaguchi  
Signature  
Miki Yamaguchi

Typed or printed name of person signing certificate



**THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**In Re Patent Application** : **Group Art Unit:** 2628  
Tsuyoshi HARADA :  
**Serial Number:** 10/506,762 : **Examiner:** Andrew Gus Yang  
:   
**Filed:** March 11, 2005 : **Attn. Docket No.:** Y03S016PCT-US  
:   
**Title:** SYSTEM FOR : **Date:** August 13, 2007  
APPROXIMATING AND DISPLAYING  
THREE DIMENSIONAL CAD DATA,  
AND METHOD THEREOF

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**Mail Stop Petition**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**COVER LETTER TO A**  
**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED**  
**UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Sir:

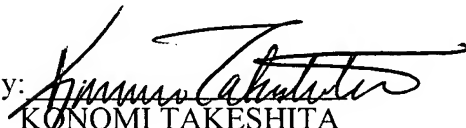
Enclosed please find a Petition For Revival of an Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b), along with a supporting Affidavit and accompanying documents, and a check for the required fees.

We hereby state that the entire delay in filing the required Publication and Issue Fees from their due date of July 9, 2007 (3 months after the mailing of the Notice of Allowance) until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

Regarding the enclosed check, it should cover the Petition Fee of **\$1500** for a Large Entity, the required Issue Fee of **\$1400** (Publication Fee of \$300 already paid on July 9, 2007), and **\$15** for our Advance Order for 5 copies of the patent, as indicated in our Issue Fee Transmittal, resulting in the total fee payment of **\$2915**.

If you should have any questions or need any further information, please contact the attorney at the telephone number identified below. Thank you for your assistance.

Respectfully submitted,

By:   
KONOMI TAKESHITA  
Reg. No. 38,333

Omori & Yaguchi USA, LLC  
Eight Penn Center, Suite 1901  
1628 John F. Kennedy Boulevard  
Philadelphia, Pennsylvania 19103  
(215) 701-6349  
(215) 751-0192 (facsimile)



Serial No.: 10/506,762

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**In Re Patent Application** : **Group Art Unit:** 2628  
Tsuyoshi HARADA :  
**Serial Number:** 10/506,762 : **Examiner:** Andrew Gus Yang  
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**Filed:** March 11, 2005 : **Attn. Docket No.:** Y03S016PCT-US  
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THREE DIMENSIONAL CAD DATA,  
AND METHOD THEREOF

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**Mail Stop Petition**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AFFIDAVIT OF KONOMI TAKESHITA IN SUPPORT OF A  
PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**


Sir:

I, Konomi Takeshita, an attorney licensed to practice before the U.S. Patent and Trademark Office (USPTO), with the Registration Number 38,333, and being of full age, solemnly affirm and say that:

1. I am currently an Attorney of Record in the above matter and have personal knowledge of the matters herein referred to by me, except where indicated to be on information and belief, and where so stated I verily believe them to be true.
2. On July 9, 2007, Ms. Miki Yamaguchi, a paralegal at our law firm of Omori & Yaguchi USA, LLC, filed in the USPTO via facsimile an Issue Fee Payment Transmittal (please see attached Exhibit A). The transmittal authorized the Director to charge the required fees to our Deposit Account Number 502270.
3. The USPTO mailed to us a Notice of Abandonment on August 6, 2007 (please see attached Exhibit B). The notice stated that although we had covered the Publication Fee of \$300 from our Deposit Account, the remaining Issue Fee of \$1400 had not been timely paid.

4. At that point, we realized that due to a clerical oversight, our Deposit Account mistakenly had insufficient funds to cover the Issue Fee, at the time of the fee payment.
5. Thus, any situation of insufficient funds and the resulting abandonment was completely unintentional and inadvertent on our part.

Respectfully submitted,

By:   
KONOMI TAKESHITA  
Reg. No. 38,333

Omori & Yaguchi USA, LLC  
Eight Penn Center, Suite 1901  
1628 John F. Kennedy Boulevard  
Philadelphia, Pennsylvania 19103  
(215) 701-6349  
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JAPAN AND INTERNATIONAL  
PATENT, TRADEMARK AND  
COPYRIGHT MATTERS

MORI & YAGUCHI

EIGHT PENN CENTER, SUITE 1901  
1628 JOHN F. KENNEDY BLVD  
PHILADELPHIA, PA 19103

TOKYO  
PHILADELPHIA

TEL: (215)701-6349  
FAX: (215)751-0192



## FACSIMILE TRANSMISSION

TO: USPTO  
Issue Fee

FAX No.: 571-273-2885

FROM: Miki Yamaguchi

DATE: July 9, 2007

Application No. 10/506,762

Our Ref.: Y03S016PCT-US

MESSAGE: Please see the attached Issue Fee payment transmittal.

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\*\*\* The information contained in this facsimile message is privileged and confidential information intended only for the use of the recipient named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, any distribution or copying of this immediately by telephone and return the original message to us at the above address by mail. \*\*\*

We have 2 pages to send, including this sheet. If any pages need to be retransmitted, please call 215-701-6349

**FAXED**  
Jul 9 '07



# UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/506,762

03/11/2005

Tsuyoshi Harada

Y03S016PCT-US

6673

35910 7590 08/06/2007  
OMORI & YAGUCHI USA, LLC  
EIGHT PENN CENTER, SUITE 1901  
1628 JOHN F. KENNEDY BOULEVARD  
PHILADELPHIA, PA 19103

EXAMINER

YANG, ANDREW GUS

ART UNIT

PAPER NUMBER

2628

MAIL DATE

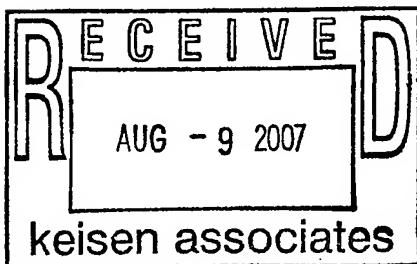
DELIVERY MODE

08/06/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

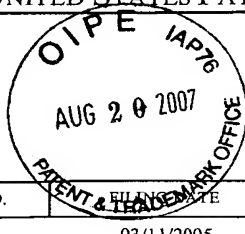
The time period for reply, if any, is set in the attached communication.







## UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/506,762	03/11/2005	Tsuyoshi Harada	Y03S016PCT-US	6673

35910 7590 08/06/2007  
 OMORI & YAGUCHI USA, LLC  
 EIGHT PENN CENTER, SUITE 1901  
 1628 JOHN F. KENNEDY BOULEVARD  
 PHILADELPHIA, PA 19103

EXAMINER
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YANG, ANDREW GUS

ART UNIT	PAPER NUMBER
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2628

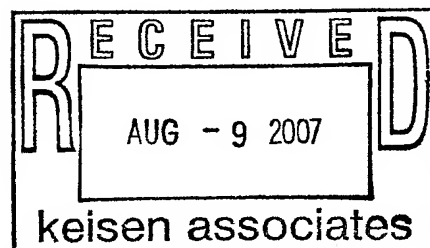
MAIL DATE	DELIVERY MODE
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08/06/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



**Notice of Abandonment**

Application No.

10/506,762

Examiner

YANG

Applicant(s)

HARADA

Art Unit

2628

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on \_\_\_\_\_.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☐ No reply has been received.
2. ☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☒ The submitted fee of \$300 is insufficient. A balance of \$1400 is due.  
The issue fee required by 37 CFR 1.18 is \$1400. The publication fee, if required by 37 CFR 1.18(d), is \$300.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

/lgd/

ons to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to  
size any negative effects on patent term.